

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Michael J. Freeman et al.	Examiner:	Ricky Chin
Serial No.:	10/765,044	Group Art Unit:	2423
Filed:	January 28, 2004	Docket:	2050.071US4
Title:	DIGITAL INTERACTIVE SYSTEM FOR PROVIDING FULL INTERACTIVITY WITH LIVE PROGRAMMING EVENTS		

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Dag H. Johansen, am the attorney of record for the above identified patent application as evidenced by the Power of Attorney filed in the present application on January 28, 2004. I am making this petition on behalf of ACTV, Inc., the assignee of the present invention. As the attorney of record, I am empowered to act on behalf of the assignee and, in accordance with 37 C.F.R. § 1.321(b)(iv), to sign this terminal disclaimer.

Certificate Under 37 C.F.R. § 3.73(b)

Your petitioner, ACTV, Inc., certifies that they are the owner of the entire right, title and interest in and to the above-identified patent application (Serial No. 10/765,044) and to U.S. Patent No. 7,079,176. Your petitioner owns the entire right, title, and interest of these applications by nature of the assignments executed and filed for both of these applications. The assignment for U.S. Patent No. 7,079,176 was recorded on October 27, 2000 on Reel 011270, Frames 0995-0997, with the United States Patent and Trademark Office. The above-identified patent application (Serial No. 10/765,044) is a continuation of U.S. Serial No. 08/815,168, the assignment for which was recorded on August 27, 1997 on Reel 8722, Frames 0574-0576.

The undersigned representative of the assignee has reviewed the evidentiary documents of title and certifies that to the best of assignee's knowledge and belief, title is in the assignee, ACTV, Inc., seeking to take the action set forth in this disclaimer.

Terminal Disclaimer

Your petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified patent application, which would extend beyond the expiration date of the full statutory term, as presently shortened by any

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terminal disclaimers, of U.S. Patent No. 7,079,176. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to U.S. Patent No. 7,079,176 and the legal title of the above-identified application and any patent granted thereon remain common, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

Limitations on the Disclaimer

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 7,079,176 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration date of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated hereinabove.

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Fee Status


Please charge Deposit Account 19-0743 in the amount of \$130.00, which is required under 37 C.F.R. § 1.20(d) to file a statutory disclaimer. The Commissioner of Patents and Trademarks is hereby authorized to charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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P.O. Box 2938
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Date 2/17/2009

By


Dag H. Johansen
Reg. No. 36,172

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 17 day of February 2009.

John D. Gustav-Wrathall
Name Paralegal
Schwegman, Lundberg & Woessner


Signature